



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 6639-01
25 January 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 January 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Awards Branch, Headquarters Marine Corps dated 11 December 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1650
MMMA-3
11Dec01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF [REDACTED]

Encl: (1) Copy of NPRC ltr 1650 of 12Apr93
(2) Copy of CMC ltr 1650 MHM-3 of 26Aug93
(3) Copy of CMC ltr of 6Jan42

1. There have been previous replies provided to Congressional inquiries on April 12 and August 26, 1993 regarding his entitlement to a Purple Heart Medal. Copies of these replies are forwarded as enclosures (1) and (2). Enclosure (3) is a copy of a letter forwarded from the Commandant of the Marine Corps to his mother on January 6, 1942, which states that there is no evidence of him being injured.
2. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.
3. Since [REDACTED] has not provided the additional information requested in our letter of August 26, 1993, there was no further action that we could take to make the appropriate decision regarding his entitlement.
4. Since there is no indication in the records of the circumstances that he was injured under conditions, which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him in the field or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and detailed verification that the injury was a direct result of enemy action. As previously stated, if he can provide statements from individual who witnessed his receiving the injury and their statement describes the circumstances involved when he was injured, further consideration will be given to his request.
5. While it is understandable that anyone who is injured or dies during combat operations would appear to be entitled to the Purple Heart Medal, there must be a direct cause and effect relationship to establish eligibility. Thus, the injury or wound must have been

caused by enemy action. While we do not intend to challenge the veracity of his statement concerning the injury, it is absolutely necessary that some documentation be provided to verify his entitlement.

6. This Headquarters does not maintain a listing of former Marines and their addresses. However, he may obtain a listing of the officers and enlisted Marines who were assigned to his former unit by requesting copies of the unit rosters for the period in question from the following address:

Headquarters United States Marine Corps
Manpower and Reserve Affairs
2008 Elliott Road (Code MMSB)
Quantico, VA 22134-5103

7. Should he be able to obtain the names of former Marines that were eyewitness to his injury, he may request assistance in locating them from the below listed organizations:

Mail Call Editor
Leatherneck Magazine
P.O. Box 1977
Quantico, VA 22134
Telephone: 1-800-336-0291
E-Mail: leatherneck@mca-marines.org

Vietnam Veterans of America, Inc.
Vietnam Locator
8605 Cameron Street, Suite 400
Silver Spring, MD 20910
ATTN: Mokie Porter
Telephone: (301) 585-4000
Fax: (301) 585-0519
E-Mail: www.vva.org

8. I regret that a more favorable reply is not possible and I realize that the decision is not what he expected. In no way does it diminish his contributions to this Country and Corps.

9. A point of contact at MMMA is Mr. [REDACTED] @ 784-9210.

[REDACTED]



BUREAU OF NAVAL PERSONNEL
RETIRED RECORDS SECTION (PERS 313E)
9700 PAGE BLVD
ST. LOUIS, MO 63132

IN REPLY REFER TO

1650
MC 28 261-jb
12 April 1993

[REDACTED]

Dear Senator [REDACTED]

This is in further response to your 22 March inquiry on behalf of World War II veteran [REDACTED] concerning his entitlement to the Purple Heart Medal.

A review of veteran's records fails to show that he was ever wounded or injured under conditions for which the Purple Heart can be authorized. The copied statement he provided attesting to alleged wounds received is insufficient to justify issuance of that award. The eyewitness statements are required to be separate, relevant to the facts and circumstances surrounding the wounds received, and include a seal as proof of its authenticity.

If further assistance or information concerning awards is required, please feel free to contact this office directly at (314) 538-3071.

Sincerely,

[REDACTED]
Lieutenant Commander, U.S. Navy
Head, Retired Records Section

[REDACTED] 700

Attention: [REDACTED]

Dear [REDACTED]:

This is a follow-up to our correspondence to you concerning the Purple Heart award for [REDACTED] a former member of the U.S. Marine Corps.

During the period [REDACTED] served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

A review of [REDACTED] service records and the records at this Headquarters fails to reveal that he was ever wounded or injured under conditions for which the Purple Heart can be authorized.

Since there is no indication in his records that he was injured under conditions which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was the direct result of enemy action.

The statement submitted by [REDACTED] that was signed by Messers. [REDACTED] and [REDACTED] and Master Sergeant [REDACTED], U.S. Marine Corps, Retired, attests that [REDACTED] had been wounded in action, but does not verify that they were eyewitnesses when he was wounded nor provides any information regarding the circumstances surrounding the wounds he received. If [REDACTED] can provide the above information, further consideration will be given to his request.

I trust this information is satisfactory.

Sincerely,

[REDACTED]
Head, Military Awards Branch
Human Resources Division
By [REDACTED] of
the Commandant of the Marine Corps

288261
[REDACTED]
[REDACTED] in Case

288261
AU-112-44g

M.C.

January 6, 1948.

[REDACTED]

Your letter of December 30, requesting information concerning your son, [REDACTED], has been received in this office as reference from the Bureau of Navigation.

In reply you are informed that a check has been made of all reports received in this office to date, and there is nothing to show that your son has been injured. I deeply appreciate your anxiety, and inasmuch as the Marine Corps is making every effort to furnish the parents with any news of importance concerning their sons, you may be assured that upon receipt of any information regarding Private [REDACTED] you will be notified.

Sincerely yours,

[REDACTED]
Major, U. S. Marine Corps.

[REDACTED]